

FISCAL NOTE

HB 3367 - SB 3308

February 28, 2004

SUMMARY OF BILL: Provides that, notwithstanding any law to the contrary, the juvenile court shall also retain jurisdiction over the placement of a child including, but not limited to, specific foster care, residential treatment or program placements of the child. Under current law, the court retains jurisdiction to the extent necessary to complete reviews or permanency hearings for children in foster care as provided in state and federal law. The court does not have the authority to make or order specific placements, with this authority being placed with the department of Children's Services by state law and federal regulation.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact:

(1) May jeopardize federal funding estimated to exceed \$12,000,000 in the first year.

(2) May subject the state to penalties for violation of consent decree settlements (*Brian A v. Sundquist*). The amount of such penalties, if imposed, is estimated to be significant.

Estimate assumes:

- The Department of Children's Services is budgeted in FY04-05 for \$51,042,900 in federal funds under Title IV-E of the Social Security Act. Giving the juvenile court responsibility for placement of children rather than the department will place the department in jeopardy of being out of compliance and prevent children from qualifying for Title IV-E funds. The first year decrease is estimated to exceed \$12,000,000.
- The settlement agreement in *Brian A v. Sundquist* provides that certain placements are preferred when placing foster children. If children are placed outside of the agreement, the Department of Children's Services may be placed in contempt of the settlement agreement.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director